

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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BANK OF AMERICA, N.A.,

Case No. 2:16-cv-00393-APG-NJK

Plaintiff,

V.

AUBURN AND BRADFORD AT PROVIDENCE HOMEOWNERS ASSOCIATION, *et al.*

ORDER DENYING DEMAND FOR SECURITY COSTS AND GRANTING MOTION TO STRIKE

(ECF Nos. 44, 49)

Defendants.

Plaintiff/counterdefendant Bank of America, N.A. requests the court require defendant/counterclaimant SFR Investments Pool 1, LLC to post a cost bond pursuant to Nevada Revised Statutes § 18.130(1). SFR moves to strike this request, arguing that § 18.130(1) does not apply because SFR is not a plaintiff and SFR is a Nevada limited liability company that resides in Nevada.

Under § 18.130(1), “[w]hen a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant, by the filing and service on plaintiff of a written demand therefor within the time limited for answering the complaint.” The statute thus applies to out-of-state plaintiffs, of which SFR is neither. SFR is a defendant in this case. And, SFR is a Nevada limited liability company that resides in Nevada. *See* ECF Nos. 1 at 2 and 27 at 2 (alleging and admitting that SFR is a Nevada limited liability company); 49-1 (deposition testimony that SFR operates only in Nevada).¹ The fact that SFR’s members may be citizens of other states for

¹ See also the Nevada Secretary of State website identifying SFR as a Nevada limited liability company with registered agent and officer addresses in Nevada.
<https://nvsos.gov/SOSEntitySearch/CorpDetails.aspx?lx8nvq=enkrPI2ZQlSNOrkAAyF%252fAw%253d%253d&nt7=0> (last accessed on August 3, 2016).

1 purposes of determining diversity jurisdiction under federal law does not change SFR's residency
2 or status as a Nevada limited liability company for purposes of the Nevada statute.

3 IT IS THEREFORE ORDERED that Plaintiff/counterdefendant Bank of America, N.A.'s
4 demand for security costs (**ECF No. 44**) is **DENIED**.

5 IT IS FURTHER ORDERED that defendant/counterclaimant SFR Investments Pool 1,
6 LLC's motion to strike (**ECF No. 49**) is **GRANTED**.

7 DATED this 3rd day of August, 2016.



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9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
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